

Drawing Amendments

See attached "Replacement Sheet" showing amendments to Figure 6 in red ink.

REMARKS

In response to the Examiner's comments in paragraphs 1.-4. on page 2 of the Office Action under the heading "Means-Plus Function Language" we respectfully submit that the claimed "means" were sufficiently disclosed in the originally filed specification but we note that the specific description language in the "means" clauses in the claims did not appear in the text. This oversight is regretted and to more specifically clarify the language we have added more explanatory text to the specification with reference to the drawing. The Examiner will note that the application now clearly meets the requirements for proper means plus function claims, and that the added text is only clarifying in nature; no new matter has been added.

The objections to claims 4, 5, 6, 8 and 9 under 37 CFR 1.75(i) have also been attended to in the course of the above mentioned revisions and to our knowledge this objection has been mooted.

The 35 USC 112 rejection of claims 4 and 7-9 have also been attended to in the course of the revisions mentioned above.

Nishikawa's field of endeavor and the physical differences between Nishikawa and the rejected claims are so distinct that we respectfully submit a supportable rejection of claims 1 and 7-10 on Nishikawa cannot be maintained. Specifically, Nishikawa relates to a totally different art, namely, the art of localized annealing of metal strips. Thus

Nishikawa's disclosure states "a deposit of graphite powder which scarcely reflects light and readily absorbs heat is formed on a portion or portions of a metal strip to be selectively annealed, thereby to render the portion or portions more heat-absorptive for faster heating of the metal strip", col. 3, lines 31-36. The characteristics of the graphite powder are then described in great detail such as 50% of it to be composed of particles 20 um or less in particle diameter which has been graphitized at a temperature "above 3000°C", col. 3, line 47. However, whether the A value of the "Average interplanar spacing between planes of carbon hex" vary from 3.42 A to 3.92A the distinguishing characteristic of the Nishikawa teaching is that a layer of graphite powder must be placed on the thin metal strip so that heat applied to the powder will be rapidly transferred to the strip. In other words, Nishikawa teaches away from direct application of a heat source on the workpiece to be treated; applicant teaches and claims direct application of heat energy to a workpiece without any intervening obstruction by physical matter. Hence Nishikawa does not disclose or suggest applicant's claimed arrangement of physical components in which the heat source is positioned to impact directly on the workpiece, that is, in the absence of any intervening structure such as a layer of graphite powder. We cannot visualize any possible way in which Nishikawa's assemblage could be employed to treat several inches of thickness of a steel die block which is the workpiece subject matter of this application.

We have studied with care the ASM Handbook reference in regards to the rejection of claims 1-6 but nowhere do we find the disclosure or a suggestion that there can be an "envelopment" of the workpiece. The difference is distinctly shown by a comparison of the

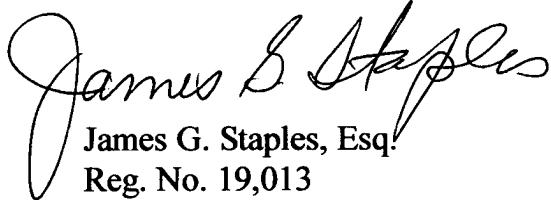
teachings on pages 174, 180 and 181 of the reference against Figures 2 and 3 of the applicant's disclosure; the very minor "envelopment", or more accurately minimal proximity, of the ASM "flux concentrators" of Figure 29 for example would be so insignificant as to render the ASM apparatus inoperative for applicant's die block softening invention. We believe that the Examiner will agree that a reference teaching which would be inoperative for applicant's purpose does not satisfy the requirements for either a 102 or a 103 rejection.

We have reviewed the references cited as of secondary interest but have concluded that they do not suggest or disclose applicant's current claims.

We will be pleased to submit a separate letter to the draftsman to facilitate the revision to Figure 3 should the Examiner wish to telephone us that such would expedite his consideration of the application.

For the foregoing reasons it is respectfully submitted that the claims are in proper format and the application is in allowable condition and notification to that effect is requested.

Respectfully submitted,



James G. Staples
James G. Staples, Esq.
Reg. No. 19,013

A. Finkl & Sons Co.
2011 North Southport Avenue
Chicago, IL 60614
(773) 975-2235
(773) 975-2636 (fax)